

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROGER EDWARDS,

Plaintiff,

v.

ORDER

WARDEN JENNIFER MCDERMOTT
and JULIE LUDWIG,

21-cv-654-jdp

Defendants.

Pro se plaintiff Roger Edwards filed this civil action in Dane County Circuit Court against prison staff at Kettle Moraine Correctional Institution. He contends that defendants violated his Eighth Amendment rights and were negligent by failing to prevent the spread of Covid-19 at the prison. Defendants removed the case to federal court and then filed a motion to transfer the case to the Eastern District of Wisconsin. Dkt. 3. Edwards filed a brief in opposition to transfer and requests that the case be remanded back to state court. He argues that his case belongs in state court because it includes a state law tort claim.

I will deny Edwards's request that the case be remanded to state court, because removal was proper under 28 U.S.C. § 1441(a). That statute permits defendants to remove a civil action brought in state court if the action includes a federal claim over which a federal court has original jurisdiction. Although Edwards's complaint includes a state law negligence claim, it also includes an Eighth Amendment claim, which is a federal claim over which this court has original jurisdiction.

I will grant defendants' motion to transfer because defendants' evidence shows that venue is proper only in the Eastern District of Wisconsin. Edwards and defendants reside in the Eastern District of Wisconsin, and the incidents at issue in this case occurred at Kettle

Moraine Correctional Institution, which is in the Eastern District of Wisconsin. *See* 28 U.S.C. § 1391(b) (venue is proper where defendants reside or where the events giving rise to the claim took place). Accordingly, I will grant defendants' motion and will transfer this case to the Eastern District of Wisconsin.

ORDER

IT IS ORDERED that defendants' motion to transfer this case to the Eastern District of Wisconsin, Dkt. 3, is GRANTED. This case is TRANSFERRED to the Eastern District of Wisconsin.

Entered November 8, 2021.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge